

Office of the Attorney General



STATE OF ARIZONA
DEPARTMENT OF LAW
1275 W. WASHINGTON STREET
PHOENIX, ARIZONA 85007-2926

CONTACT:
ANDREA M. ESQUER
PRESS OFFICE
PHONE: (602)-542-8019

FOR IMMEDIATE RELEASE

Terry Goddard announces agreement with Evening Weight Loss Formula

PHOENIX - Attorney General Terry Goddard announced today an agreement with Edward D'Alessandro to stop the marketing and sale of the dietary supplement Evening Weight Loss Formula.

"This agreement is a good result for the Arizona consumer," said Mr. Goddard. "With so much interest in weight loss products, it is important to protect consumers from those products that don't perform as they claim."

This agreement in the form of an Assurance of Discontinuance filed with the Pima County Superior Court on Feb. 3, 2004. The agreement protects Arizona consumers by prohibiting Mr. D'Alessandro from:

1. Advertising, marketing, introducing, delivering, manufacturing, or selling EWL or any other dietary supplement in a misleading or deceptive manner.
2. Making representations about Evening Weight Loss Formula or any dietary supplement, unless he has reliable scientific evidence regarding the following claims:
 - a. Consumers will lose weight without reducing calorie intake and increasing exercise.
 - b. Consumers will lose weight even if they eat substantial amounts of high-fat, high-calorie food.
 - c. Consumers will lose weight by taking the supplement at night.
 - d. Consumers will lose substantial weight.
 - e. Consumers will experience long-term or permanent weight loss;
 - f. A product is clinically proven to cause consumers to burn a substantial amount of body fat and to build substantial lean muscle without reducing calorie intake or increasing exercise.

- g. Weight loss studies support the above claims. Mr. D'Alessandro cannot refer to weight loss studies that do not meet the standards accepted for scientific studies or those that do not refer to the product at all.

Under this agreement, these restrictions will remain in effect for six years, and failure to comply will be considered a violation of the Arizona Consumer Fraud Act subject to prosecution.

###